



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, March 11, 2010 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	April 8, 2010

MEMBERS PRESENT

Ricky H. Allamong, Professional Member, Chairman
Vincent M. White, Professional Member, Vice-Chairman
Andrew Staton, Professional Member, Secretary
Gilbert Emory, Public Member
James C. Brannon, Jr., Public Member
Patricia O'Brien, Public Member
James L. Givens, Professional Member
Christopher J. Whitfield, Professional Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Gayle Melvin, Administrative Specialist III

MEMBER ABSENT

Denise R. Stokes, Public Member

ALSO PRESENT

TracyLee Elmore, SCAOR
Audrey Brodie
Richard Marcus
Carole Kisner
Kathleen Nissley
Donald Willert
Larry Tims
Mike McGavisk
Denise Tatman
Sandy Fader

Michele Bilow
Carole Sieber
John Sieber
Bill Andrew
Donald Gouge, Esquire
Barbara Gadbois, DAG
Bill Callahan
Laurie Bronstein
Michelle Huff
Julie Gritton
Amber Jewell
Jennifer Tiethohl
Carolyn Turner
Monica Hall
Emmy Carford
Loral Johnson
Phyllis Hoag
Myers Gebhart
Cynthia Armour
Marylou Reeves
Zack Sieber
John Sergovic, Jr.
James Kelly
Rob Kunzig
Juli LaBadia, Court Reporter

CALL TO ORDER

Mr. Allamong called the meeting to order at 9:03 a.m.

REVIEW OF MINUTES

A motion was made by Mr. White, seconded by Mr. Givens to approve the minutes of the meeting held on January 14, 2010. The motion passed unanimously.

NEW BUSINESS

Applications for Licensure

A motion was made by Ms. O'Brien, seconded by Mr. Emory to ratify the following new salesperson applicants as presented:

Sean Casey, Patterson Schwartz, Newark, DE
Courtney Everett, Patterson Schwartz, Greenville, DE
Barbara Green, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Scott Green, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Joyce Hughes, Keller Williams Realty, Christiana, DE
Michael Linder, Patterson Schwartz, Newark, DE
John McKean, Patterson Schwartz, Hockessin, DE
Debra Mitchell, Prudential Fox & Roach, Bear, DE
Kristen Schoenbeck, Patterson Schwartz, Hockessin, DE
Amatullahnurdin Shahid, Keller William Realty, Wilmington, DE

Jason Strickland, Keller William Realty, Christiana, DE
Joanne Tan-Prygon, Keller Williams Realty, Christiana, DE
Donald Viohl, Patterson Schwartz, Greenville, DE
Leah Wise, Keller Williams Real Estate, Media, PA
Ananda Brown, First Class Properties, Dover, DE
Michael Duncan, Re/Max Sunvest Realty, Wilmington, DE
Daniel Duncan, Re/Max Sunvest Realty, Wilmington, DE
Heather Knowles, Ocean Atlantic Sotheby's International Realty, Rehoboth Beach, DE
Paola Demucha, Prudential Fox & Roach, Hockessin, DE
Alison Walt, Keller Williams Realty at the Beach, Lewes, DE
Jay Shinn, Prudential Fox & Roach, Hockessin, DE
David Herzka, Keller Williams Realty, Christiana, DE
Linda Cole, Patterson Schwartz, Newark, DE
Amber Durand, Patterson Schwartz, Newark, DE
Shanna Alicea, Keller Williams Realty Central Delaware, Dover, DE
Hea Cho, Prudential Fox & Roach, Greenville, DE
Pamela Chambers, Keller Williams, Christiana, DE
Ryan Turner, Interstate Commercial Real Estate, Inc., Mount Laurel, NJ
Jennifer Raynor, Exit Central Realty, Newark, DE
Marjorie Sotomayor, Patterson Schwartz, Newark, DE
Steven DeCarlo, Applebaum Realty, Wilmington, DE
Fangbin Zhou, Keller Williams Realty, Christiana, DE
Heather Rohan, Keller Williams Realty, Christiana, DE
Adrian Jones, Patterson Schwartz, Greenville, DE
Darrell Roch, Keller William Realty, Christiana, DE
Christine Hargrove, Prudential Gallo Realtors, Rehoboth Beach, DE
Anthony Minella, Weichert Realtors, Wilmington, DE
Albert Minella, Weichert Realtors, Wilmington, DE
Jay Diaz, Golden Coastal Realty, Lewes, DE
Denise Strengari, Prudential Fox & Roach, Hockessin, DE
Cheryl Krakowski, Emory Hill Real Estate Services, New Castle, DE
Charles Handy, Prudential Fox & Roach, Hockessin, DE
Richard Anibal, Keller Williams Realty, Middletown, DE
Casey Price, Callaway, Farnell and Moore, Inc., Seaford, DE
Rabia Batah, Patterson Schwartz, Hockessin, DE
Dale Jackson, Patterson Schwartz, Newark, DE
Linda Niebauer, Keller Williams Realty, Wilmington, DE
Rebecca Harrington, Coldwell Baker Commercial-Amato Associates, Newark, DE
James Rostocki, Fox Chase Realty, Newark, DE
Brian Ferreira, Prudential Fox & Roach, Greenville, DE
Rose Poling, Prudential Carruthers Realtors, Severna Park, MD
Joann Hall, Weichert Realtors, Chadds Ford, PA
Shawn Cullin, Long & Foster, Rehoboth Beach, DE
Larry Matthews, Century 21 The Real Estate Store, Garnet Valley, PA
Marie Northam, Condominium Realty, Ltd., Ocean City, MD
Stanley White, Jack Hickman Real Estate, Bethany Beach, DE
James Boykin, Applebaum Realty, Wilmington, DE
Charles Helmer, Jack Lingo, Inc., Realtor, Rehoboth Beach, DE
Virginia Egan, Long & Foster, Rehoboth Beach, DE
Jennifer Miller, Jack Lingo, Inc., Realtor, Rehoboth Beach, DE
Brian Leshner, Prudential Fox & Roach, Newark, DE
Richard Stutz, Coldwell Banker Residential Brokerage, Bethany Beach, DE

Margaret Vavala, Re/Max Wilmington, Wilmington, DE
Victoria Loesch, Platinum Realty, LLC, Middletown, DE
Nichelle Turner, Exit Realty Chesapeake Bay, Chesapeake City, MD
Tiffanie Brown, Keller Williams, Wilmington, DE

The motion passed unanimously.

The application of John Plunkett for a non-resident broker's license was reviewed. A motion was made by Mr. Brannon, seconded by Mr. Givens to approve this application. The motion passed unanimously.

The application of Rosemarie Seibel for a non-resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Brannon to table this application and request that Ms. Siebel further explain how her practical experience relates to the practice of real estate. The motion passed unanimously.

The application of Deborah Gennello for a non-resident broker's license was reviewed. A motion was made by Mr. Whitfield, seconded by Mr. Brannon to approve this application pending receipt of an approved list of thirty leases. The motion passed unanimously.

The application of Irma Deborah Houck for a non-resident broker's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. White to approve this application. The motion passed unanimously.

The application of Zionna Adamolekun for a resident broker's license was reviewed. A motion was made by Mr. White, seconded by Mr. Staton to approve this application. The motion passed unanimously.

The application of James Loden for a non-resident salesperson's license was reviewed. A motion was made by Mr. Givens, seconded by Ms. O'Brien to approve this application. The motion passed unanimously.

The application of Christopher Maddox for a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. White to approve this application. The motion passed unanimously.

The application of Edward Scott for a resident salesperson's license was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

The application of Diana Walker for a resident salesperson's license was reviewed. A motion was made by Mr. White, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

The application of Joan Murray for a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Mr. Brannon to approve this application. The motion passed unanimously.

The application of Garland Williams for a resident salesperson's license was reviewed. A motion was made by Mr. Whitfield, seconded by Mr. Staton to approve this application pending receipt of proof that Mr. Williams has completed six hours in an approved pre-license course within the next thirty days. The motion passed by majority vote. Mr. Allamong recused himself

from the discussion of this application. Mr. White chaired the meeting during the review of this application.

New Offices

The application of Brandywine Realty for a new office was reviewed. A motion was made by Mr. Givens, seconded by Mr. Staton to approve this application. The motion passed unanimously.

The application of National Realty Referral for a new office was reviewed. A motion was made by Mr. Givens, seconded by Mr. Staton to approve this application. The motion passed unanimously.

The application of Exit Realty "The Tri-State Group" for a new office was reviewed. A motion was made by Mr. Givens, seconded by Mr. Staton to approve this application. The motion passed unanimously.

The application of Sperry Van Ness-Miller Commercial Real Estate for a new office was reviewed. A motion was made by Mr. Givens, seconded by Mr. Staton to approve this application. The motion passed unanimously.

The application of Pabian Ventures LLC for a new office was reviewed. A motion was made by Mr. Givens, seconded by Mr. Staton to approve this application. The motion passed unanimously.

Reinstatement of Licenses

The application of Dana Graham for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Mr. Staton to approve Ms. Graham for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Julie Gritton for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Staton, seconded by Ms. O'Brien to approve Ms. Gritton for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Laurel Carnie for reinstatement of a non-resident salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Ms. O'Brien to approve Ms. Carnie for reinstatement pending passing the state portion of the exam. The motion passed unanimously.

The application of Caroline Collins for reinstatement of a resident salesperson's license was reviewed. A motion was made by Mr. Brannon, seconded by Ms. O'Brien to approve Ms. Collins for reinstatement pending passing the national and state portions of the exam. The motion passed unanimously.

Final Denial of Application

A motion was made by Mr. White, seconded by Ms. O'Brien to final deny the application for the following applicant which the Commission had proposed to deny and had received no response from the applicant requesting a hearing:

Gary Freas

The motion passed unanimously.

Status of Complaints

Complaint No. 02-02-10 – Assigned to Mr. Whitfield
Complaint No. 02-03-10 – Assigned to Mr. White
Complaint No. 02-04-10 – Assigned to Mr. Givens
Complaint No. 02-05-10 – Assigned to Mr. White
Complaint No. 02-25-09 – Referred to Attorney General's Office
Complaint No. 02-30-09 to – 02-45-09 – Referred to Attorney General's Office
Complaint No. 02-25-08 – Hearing will be scheduled.
Complaint No. 02-45-08 – Hearing will be scheduled.
Complaint No. 02-18-07 – Hearing will be scheduled.
Complaint No. 02-43-08 – Closed
Complaint No. 02-16-09 – Referred to Attorney General's Office
Complaint No. 02-23-09 – Referred to Attorney General's Office

Education Committee Report

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

A motion was made by Mr. White, seconded by Mr. Brannon to approve and deny course providers, instructor applications and student requests as noted in the minutes of the February 4, 2010 and March 4, 2010 meetings of the Real Estate Education Committee. The motion passed unanimously.

Review Resume for Elaine Woerner

The Commission reviewed the resume for Elaine Woerner which was submitted to be considered for appointment to the Education Committee as a New Castle County professional member. A motion was made by Mr. White, seconded by Mr. Brannon to appoint Ms. Woerner to the Education Committee. The motion passed unanimously.

Review of Results and Recommendations from Audit

The Education Committee had reviewed the continuing education for two licensees that were allowed additional time to provide certification of completion for the salesperson's core course. The licensees did not provide the required certificates within the allotted time. The Education Committee recommended that these two licensees be scheduled for rule to show cause hearings. A motion was made by Mr. Staton, seconded by Mr. White to accept the recommendation from the Education Committee. The motion passed unanimously.

Review Resume for Tambra Reagan

The Commission reviewed the resume for Tambra Reagan which was submitted to be considered for appointment to the Education Committee as a Sussex County professional member. A motion was made by Mr. White, seconded by Mr. Whitfield to appoint Ms. Reagan to the Education Committee. The motion passed unanimously.

Commission and Committee Members Receiving Continuing Education for Attending Commission and Committee Meetings

Mr. McGavisk presented the Education Committee's proposal to allow commission and committee members to receive continuing education for attending commission and committee meetings. The Education Committee recommended allowing members to receive one hour of continuing education for each meeting attended and to allow the continuing education credit to be applied to any continuing education required for renewal. A motion was made by Mr. Whitfield, seconded by Mr. Emory to approve the recommendation from the Education Committee. The motion passed unanimously.

Annual Seminar

The Commission requested that the Education Committee consider topics for the Annual Seminar which will be held in September.

Review Proposal to Change the Continuing Education Requirements

Mr. McGavisk and Mr. Tims presented the Education Committee's proposal to add additional mandatory courses to the continuing education requirements. It was proposed that salesperson licensees be required to take a three hour fair housing course and a three hour professional conduct and ethics course in addition to the salesperson's core course and legislative update course. The remainder three credits would be elective credits. It was proposed that the broker licensees be required to take the new broker of record course and the broker's core course. The remainder six credits would be elective credits. The Education Committee requested implementation starting with the upcoming licensure period. A discussion was held concerning the non-resident licensee being a year into their renewal period and whether to put the continuing education requirements in the rules and regulations. It was decided to defer this issue to the Subcommittee to Review Statute Revisions.

Update on Proposed Statute Revisions from the Subcommittee to Review Statute Revisions and Appointment of Subcommittee to Address Rules and Regulations

Mr. Whitfield reported that the Subcommittee has recently learned that the Real Estate Commission will be under Sunset Review. In July the Division will receive a questionnaire from the Sunset Committee for completion. The questionnaire is due back to the Sunset Committee in September. Hearings before the Sunset Committee will be scheduled for February, 2011. The Subcommittee will continue to meet and work on the three controversial issues which are auctioneers, home builders and property managers. The next meeting is scheduled for March 18, 2010 at 9:00 a.m.

A motion was made by Mr. Staton, seconded by Mr. Brannon to add Mr. White and Larry Tims as members of the Subcommittee to Review Statute Revisions. The motion passed unanimously. This Subcommittee will also start addressing proposed revisions to the current rules and regulations.

Lissa Swiggett: Review of Request for an Additional Exam

The Commission reviewed a letter from Lissa Swiggett requesting to take the salesperson's examination for a fourth time because of testing experiences that she felt were unfair to her. A motion was made by Mr. White, seconded by Mr. Givens to deny Ms. Swiggett's request. The motion passed unanimously.

Discussion: Delaware Court Ruling Regarding Email Sufficient to Terminate Contract – Mr. White

This was tabled until the next meeting.

Discussion: Scheduling of Additional Meeting Dates

The Commission scheduled an additional meeting date for April 9, 2010. The rule to show cause hearings will be scheduled for this meeting.

Report on Test Development Meeting and Review and Approval of Revised Content Outline – Mr. Allamong

Mr. Allamong reported that a test development meeting with PearsonVUE and the subject matter experts from Delaware was held on March 3, 2010. The content outline and exam questions for the state portion of the exam were reviewed. Commission members were provided with a copy of a revised content outline for review of the state portion of the exam which would become effective July 1, 2010. A motion was made by Mr. Staton, seconded by Mr. Brannon to approve the revised outline. The motion passed unanimously.

Anthony Stenta: Review of Request for an Extension to Obtain his Continuing Education

The Commission reviewed an email from Anthony Stenta requesting a six month extension in order to obtain the continuing education credits due to him undergoing surgery on March 10, 2010. A motion was made by Mr. Whitfield, seconded by Mr. White to deny Mr. Stenta's request. The motion passed unanimously.

OLD BUSINESS

Discussion: Common Law Agency Disclosure – Mr. Allamong

Mr. Allamong reported that this item will be removed from the agenda. Ms. Heeney has advised that a form is not needed.

Discussion: Online Pre-Licensing – Mr. Allamong

Mr. Allamong reported that he will be requesting that the Subcommittee consider changing the rules and regulations to allow the law portion of the pre-licensing course to be taken online.

Discussion: Request from Barbara Gadbois, Deputy Attorney General, for Hearing on the Motion for Limited Reargument Regarding Joseph P. Connor, Jr., Case No. 02-30-07

A motion was made by Mr. Staton, seconded by Mr. Brannon to schedule the motion for limited reargument for April 8, 2010 at 10:15 a.m. The motion passed unanimously.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

PUBLIC COMMENT

Ms. Elmore advised that there are on-line continuing education course available through the Sussex County Association of Realtors.

The Commission recessed from 10:10 a.m. to 10:34 a.m. Mr. Givens left the meeting and did not participate in the hearing.

HEARING

Case 02-24-09 Against Carole A. Sieber

Mr. White called the formal hearing to order at 10:35 a.m. This hearing was held to receive evidence in the matter of Case No. 02-24-09 against Carole A. Sieber. Mr. Allamong in his capacity of contact person for the complaint recused himself from the proceedings. Present for the hearing were Barbara Gadbois, Deputy Attorney General, Carole Sieber and Donald Gouge, Jr., Esquire. Verbatim testimony was recorded by the court reporter.

Mr. Gouge requested that Mr. Staton recuse himself from this hearing. After discussion, Mr. Staton decided to stay and hear the case. Ms. Gadbois made her opening statement and asked that Ms. Sieber's broker's license be permanently revoked. Mr. Gouge made his opening statement and advised that Ms. Sieber does not object to her broker's license being permanently revoked. He advised that she plans to apply for a salesperson's license.

The Commission took a recess from 10:53 a.m. to 11:52 a.m. for Mr. Gouge to confer with Ms. Sieber.

Mr. Gouge stated that Ms. Sieber would accept the permanent revocation of her broker's license but would not admit any guilt.

The Commission went off the record at 11:53 a.m. to hold deliberations. The Commission went back on the record at 12:11 p.m. A motion was made by Mr. Whitfield, seconded by Mr. Brannon that in Case No. 02-24-09 against Carole A. Sieber, to deny the request of permanent revocation on the grounds of no admission of liability. The motion passed unanimously. Both parties indicated that they were prepared to go forward with the hearing.

The Commission took a lunch recess from 12:12 p.m. to 1:00 p.m.

Mr. Gouge motioned that Ms. Sieber would acknowledge responsibility for three charges, numbers 9, 10 and 11, in the State's second amended complaint and agree that her broker's license would be permanently revoked.

The Commission went off the record at 1:09 p.m. to hold deliberations. The Commission went back on the record at 1:12 p.m. to ask additional questions of Mr. Gouge and Ms. Gadbois.

The Commission went off the record at 1:14 p.m. to hold deliberations. The Commission went back on the record at 1:21 p.m.

A motion was made by Mr. Whitfield, seconded by Mr. Brannon to accept the respondent's motion to permanently revoke respondent's broker's license on the grounds that respondent admits to the violations in the States' seconded amended complaint as specified in numbers 9, 10 and 11 on page 4. The motion passed unanimously. The violations are as follows: #9. In failing to maintain in her office a complete record of all moneys received or escrowed on real estate transactions, respondent was incompetent to act as a broker in such manner as to safeguard the interest of the public in violation of 24 *Del. C.* 2912(a)(6). #10. In failing to maintain in her office a complete record of all moneys received or escrowed on real estate transactions, respondent violated the provisions of 24 *Del. C.* 2912(a)(8) and Commission Rule 5.4. #11. In failing to promptly produce and account for all funds held in escrow, respondent violated the provisions of 24 *Del. C.* 2912(a)(8) and Commission Rule 5.6.

The hearing ended at 1:24 p.m.

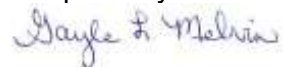
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, April 8, 2010 at 9:00 a.m.

ADJOURNMENT

A motion was made by Mr. Brannon, seconded by Ms. O'Brien to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 1:24 p.m.

Respectfully submitted,



Gayle L. Melvin
Administrative Specialist III